

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ROBERT JULIAN-BORCHAK WILLIAMS,

Plaintiff,

CASE NO. 21-10827

HON. GERSHWIN A. DRAIN

-vs-

CITY OF DETROIT, a municipal corporation,
DETROIT POLICE CHIEF JAMES CRAIG, in
his official capacity, and DETECTIVE DONALD
BUSSA, in his individual capacity,

Defendants.

MICHAEL J. STEINBERG (P43085)
Civil Rights Initiative
University of Michigan Law School
701 S. State St., Suite 2020
Ann Arbor, MI 48109
(734) 763-1983
mjsteinb@umich.edu

PATRICK M. CUNNINGHAM
(P67643)
City of Detroit Law Department
Attorneys for Defendants
2 Woodward Avenue, Suite 500
Detroit, MI 48226
(313) 237-5032
cunninghamp@detroitmi.gov

DEFENDANTS' ANSWER TO PLAINTIFF'S COMPLAINT
WITH AMENDED CASE NUMBER IN CAPTION ONLY

NOW COME Defendants CITY OF DETROIT, DETROIT POLICE CHIEF JAMES CRAIG, in his official capacity, and DONALD BUSSA, by and through their counsel, and for their answer to Plaintiff's complaint, state as follows:

INTRODUCTORY STATEMENT

1. Answering paragraph 1 of plaintiff's complaint, defendants deny the allegations contained therein for the reason that they are untrue in the manner and form alleged.

2. Answering paragraph 2 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

3. Answering paragraph 3 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

4. Answering paragraph 4 of plaintiff's complaint, defendants deny the allegations contained therein for the reason that they are untrue in the manner and form alleged.

5. Answering paragraph 5 of plaintiff's complaint, defendants deny the allegations contained therein for the reason that they are untrue in the manner and form alleged.

6. Answering paragraph 6 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

7. Answering paragraph 7 of plaintiff's complaint, defendants deny the allegations contained therein for the reason that they are untrue in the manner and form alleged.

8. Answering paragraph 8 of plaintiff's complaint, defendants deny the allegations contained therein for the reason that they are untrue in the manner and form alleged.

9. Answering paragraph 9 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

10. Answering paragraph 10 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

JURISDICTION & VENUE

11. Answering paragraph 11 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

12. Answering paragraph 12 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

13. Answering paragraph 13 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

14. Answering paragraph 14 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

PARTIES

Plaintiff

15. Answering paragraph 15 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

Defendants

16. Answering paragraph 16 of plaintiff's complaint, defendants admit that James Craig is the Chief of Police of the Detroit Police Department.

17. Answering paragraph 17 of plaintiff's complaint, defendants admit that the City of Detroit is a municipal corporation in the State of Michigan.

18. Answering paragraph 18 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

**FACTUAL ALLEGATIONS REGARDING FACIAL RECOGNITION
TECHNOLOGY**

The Many Flaws of Facial Recognition Systems

19. Answering paragraph 19 of plaintiff's complaint, defendants deny the allegations contained therein for the reason that they are untrue in the manner and form alleged.

20. Answering paragraph 20 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

21. Answering paragraph 21 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

22. Answering paragraph 22 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

23. Answering paragraph 23 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

24. Answering paragraph 24 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

25. Answering paragraph 25 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

26. Answering paragraph 26 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

27. Answering paragraph 27 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

The accuracy of a facial recognition search depends heavily on the quality of the probe image.

28. Answering paragraph 28 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

29. Answering paragraph 29 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

30. Answering paragraph 30 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

31. Answering paragraph 31 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

32. Answering paragraph 32 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

33. Answering paragraph 33 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

34. Answering paragraph 34 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

35. Answering paragraph 35 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

36. Answering paragraph 36 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

37. Answering paragraph 37 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

38. Answering paragraph 38 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

Facial recognition algorithms are racially biased.

39. Answering paragraph 39 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

40. Answering paragraph 40 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

41. Answering paragraph 41 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

42. Answering paragraph 42 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

43. Answering paragraph 43 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

44. Answering paragraph 44 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

45. Answering paragraph 45 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

46. Answering paragraph 46 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

Cities across the country are banning the use of

facial recognition in policing.

47. Answering paragraph 47 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

48. Answering paragraph 48 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

49. Answering paragraph 49 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

FACTUAL ALLEGATIONS REGARDING MR. WILLAMS'S

FALSE ARREST

Shinola Incident

50. Answering paragraph 50 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

51. Answering paragraph 51 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

52. Answering paragraph 52 of plaintiff's complaint, defendants deny the allegations contained therein for the reason that they are untrue in the manner and form alleged.

53. Answering paragraph 53 of plaintiff's complaint, defendants deny the allegations contained therein for the reason that they are untrue in the manner and form alleged.

54. Answering paragraph 54 of plaintiff's complaint, defendants deny the allegations contained therein for the reason that they are untrue in the manner and form alleged.

55. Answering paragraph 55 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

Defendant Bussa's investigation impermissibly relies on facial recognition technology

56. Answering paragraph 56 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

57. Answering paragraph 57 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

58. Answering paragraph 58 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

59. Answering paragraph 59 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

60. Answering paragraph 60 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

61. Answering paragraph 61 of plaintiff's complaint, defendants deny the allegations contained therein for the reason that they are untrue in the manner and form alleged.

62. Answering paragraph 62 of plaintiff's complaint, defendants deny the allegations contained therein for the reason that they are untrue in the manner and form alleged.

63. Answering paragraph 63 of plaintiff's complaint, defendants deny the allegations contained therein for the reason that they are untrue in the manner and form alleged.

64. Answering paragraph 64 of plaintiff's complaint, defendants deny the allegations contained therein for the reason that they are untrue in the manner and form alleged.

65. Answering paragraph 65 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

66. Answering paragraph 66 of plaintiff's complaint, defendants admit same.

67. Answering paragraph 67 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

68. Answering paragraph 68 of plaintiff's complaint, defendants deny the allegations contained therein for the reason that they are untrue in the manner and form alleged.

69. Answering paragraph 69 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

70. Answering paragraph 70 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

71. Answering paragraph 71 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

72. Answering paragraph 72 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

73. Answering paragraph 73 of plaintiff's complaint, defendants admit same.

74. Answering paragraph 74 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

75. Answering paragraph 75 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

Defendant Bussa follows the previously generated facial recognition lead despite the flaws of the prior search.

76. Answering paragraph 76 of plaintiff's complaint, defendants deny the allegations contained therein for the reason that they are untrue in the manner and form alleged.

77. Answering paragraph 77 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

78. Answering paragraph 78 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

79. Answering paragraph 79 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

Defendant Bussa arranges an identification procedure with a person who neither witnessed the theft nor saw the shoplifter.

80. Answering paragraph 80 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

81. Answering paragraph 81 of plaintiff's complaint, defendants deny the allegations contained therein for the reason that they are untrue in the manner and form alleged.

82. Answering paragraph 82 of plaintiff's complaint, defendants admit same.

83. Answering paragraph 83 of plaintiff's complaint, defendants deny the allegations contained therein for the reason that they are untrue in the manner and form alleged.

84. Answering paragraph 84 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

85. Answering paragraph 85 of plaintiff's complaint, defendants deny the allegations contained therein for the reason that they are untrue in the manner and form alleged.

86. Answering paragraph 86 of plaintiff's complaint, defendants deny the allegations contained therein for the reason that they are untrue in the manner and form alleged.

87. Answering paragraph 87 of plaintiff's complaint, defendants deny the allegations contained therein for the reason that they are untrue in the manner and form alleged.

88. Answering paragraph 88 of plaintiff's complaint, defendants deny the allegations contained therein for the reason that they are untrue in the manner and form alleged.

89. Answering paragraph 89 of plaintiff's complaint, defendants deny the allegations contained therein for the reason that they are untrue in the manner and form alleged.

Defendant Bussa produces misleading request for warrant.

90. Answering paragraph 90 of plaintiff's complaint, defendants deny the allegations contained therein for the reason that they are untrue in the manner and form alleged.

91. Answering paragraph 91 of plaintiff's complaint, defendants admit same.

92. Answering paragraph 92 of plaintiff's complaint, defendants deny the allegations contained therein for the reason that they are untrue in the manner and form alleged.

93. Answering paragraph 93 of plaintiff's complaint, defendants deny the allegations contained therein for the reason that they are untrue in the manner and form alleged.

94. Answering paragraph 94 of plaintiff's complaint, defendants deny the allegations contained therein for the reason that they are untrue in the manner and form alleged.

95. Answering paragraph 95 of plaintiff's complaint, defendants deny the allegations contained therein for the reason that they are untrue in the manner and form alleged.

96. Answering paragraph 96 of plaintiff's complaint, defendants deny the allegations contained therein for the reason that they are untrue in the manner and form alleged.

97. Answering paragraph 97 of plaintiff's complaint, defendants deny the allegations contained therein for the reason that they are untrue in the manner and form alleged.

98. Answering paragraph 98 of plaintiff's complaint, defendants deny the allegations contained therein for the reason that they are untrue in the manner and form alleged.

99. Answering paragraph 99 of plaintiff's complaint, defendants deny the allegations contained therein for the reason that they are untrue in the manner and form alleged.

100. Answering paragraph 100 of plaintiff's complaint, defendants deny the allegations contained therein for the reason that they are untrue in the manner and form alleged.

101. Answering paragraph 101 of plaintiff's complaint, defendants deny the allegations contained therein for the reason that they are untrue in the manner and form alleged.

102. Answering paragraph 102 of plaintiff's complaint, defendants deny the allegations contained therein for the reason that they are untrue in the manner and form alleged.

103. Answering paragraph 103 of plaintiff's complaint, defendants deny the allegations contained therein for the reason that they are untrue in the manner and form alleged.

104. Answering paragraph 104 of plaintiff's complaint, defendants deny the allegations contained therein for the reason that they are untrue in the manner and form alleged.

105. Answering paragraph 105 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

106. Answering paragraph 106 of plaintiff's complaint, defendants deny the allegations contained therein for the reason that they are untrue in the manner and form alleged.

107. Answering paragraph 107 of plaintiff's complaint, defendants deny the allegations contained therein for the reason that they are untrue in the manner and form alleged.

108. Answering paragraph 108 of plaintiff's complaint, defendants deny the allegations contained therein for the reason that they are untrue in the manner and form alleged.

109. Answering paragraph 109 of plaintiff's complaint, defendants deny the allegations contained therein for the reason that they are untrue in the manner and form alleged.

110. Answering paragraph 110 of plaintiff's complaint, defendants deny the allegations contained therein for the reason that they are untrue in the manner and form alleged.

Plaintiff Robert Williams

111. Answering paragraph 111 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

112. Answering paragraph 112 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

113. Answering paragraph 113 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

114. Answering paragraph 114 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

115. Answering paragraph 115 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

116. Answering paragraph 116 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

117. Answering paragraph 117 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

Wrongful Arrest

118. Answering paragraph 118 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

119. Answering paragraph 119 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

120. Answering paragraph 120 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

121. Answering paragraph 121 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

122. Answering paragraph 122 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

123. Answering paragraph 123 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

124. Answering paragraph 124 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

125. Answering paragraph 125 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

126. Answering paragraph 126 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

127. Answering paragraph 127 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

128. Answering paragraph 128 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

129. Answering paragraph 129 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

130. Answering paragraph 130 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

131. Answering paragraph 131 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

132. Answering paragraph 132 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

133. Answering paragraph 133 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

134. Answering paragraph 134 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

135. Answering paragraph 135 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

136. Answering paragraph 136 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

137. Answering paragraph 137 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

138. Answering paragraph 138 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

139. Answering paragraph 139 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

140. Answering paragraph 140 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

141. Answering paragraph 141 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

142. Answering paragraph 142 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

Wrongful Imprisonment

143. Answering paragraph 143 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

144. Answering paragraph 144 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

145. Answering paragraph 145 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

146. Answering paragraph 146 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

147. Answering paragraph 147 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

148. Answering paragraph 148 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

149. Answering paragraph 149 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

150. Answering paragraph 150 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

151. Answering paragraph 151 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

152. Answering paragraph 152 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

153. Answering paragraph 153 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

154. Answering paragraph 154 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

155. Answering paragraph 155 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

156. Answering paragraph 156 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

157. Answering paragraph 157 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

158. Answering paragraph 158 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

159. Answering paragraph 159 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

160. Answering paragraph 160 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

161. Answering paragraph 161 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

162. Answering paragraph 162 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

163. Answering paragraph 163 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

164. Answering paragraph 164 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

165. Answering paragraph 165 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

166. Answering paragraph 166 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

167. Answering paragraph 167 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

168. Answering paragraph 168 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

169. Answering paragraph 169 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

170. Answering paragraph 170 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

171. Answering paragraph 171 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

172. Answering paragraph 172 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

173. Answering paragraph 173 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

174. Answering paragraph 174 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

175. Answering paragraph 175 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

176. Answering paragraph 176 of plaintiff's complaint, defendants deny the allegations contained therein for the reason that they are untrue in the manner and form alleged.

Consequences of Wrongful Arrest and Incarceration

177. Answering paragraph 177 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

178. Answering paragraph 178 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

179. Answering paragraph 179 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

180. Answering paragraph 180 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

181. Answering paragraph 181 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

182. Answering paragraph 182 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

183. Answering paragraph 183 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

184. Answering paragraph 184 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

185. Answering paragraph 185 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

186. Answering paragraph 186 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

187. Answering paragraph 187 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

188. Answering paragraph 188 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

189. Answering paragraph 189 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

190. Answering paragraph 190 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

191. Answering paragraph 191 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

192. Answering paragraph 192 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

193. Answering paragraph 193 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

194. Answering paragraph 194 of plaintiff's complaint, defendants deny the allegations contained therein for the reason that they are untrue in the manner and form alleged.

**FACTUAL ALLEGATIONS REGARDING DPD'S EVER-CHANGING
FACIAL RECOGNITION POLICY**

DPD's original facial recognition policy ("the January policy") had no quality control provisions whatsoever and did not provide adequate training.

195. Answering paragraph 195 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

196. Answering paragraph 196 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

197. Answering paragraph 197 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

198. Answering paragraph 198 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

199. Answering paragraph 199 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

200. Answering paragraph 200 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

201. Answering paragraph 201 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

202. Answering paragraph 202 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

203. Answering paragraph 203 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

204. Answering paragraph 204 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

205. Answering paragraph 205 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

206. Answering paragraph 206 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

DPD implements a revised facial recognition technology policy (“the April policy”).

207. Answering paragraph 207 of plaintiff’s complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

208. Answering paragraph 208 of plaintiff’s complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

209. Answering paragraph 209 of plaintiff’s complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

210. Answering paragraph 210 of plaintiff’s complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

211. Answering paragraph 211 of plaintiff’s complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

212. Answering paragraph 212 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

213. Answering paragraph 213 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

Detroit institutes new policy ("the September policy") before Mr. Williams's arrest.

214. Answering paragraph 214 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

215. Answering paragraph 215 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

216. Answering paragraph 216 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

217. Answering paragraph 217 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

218. Answering paragraph 218 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

City of Detroit concedes fault, candidly discusses its failings.

219. Answering paragraph 219 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

220. Answering paragraph 220 of plaintiff's complaint, defendants deny the allegations contained therein for the reason that they are untrue in the manner and form alleged.

221. Answering paragraph 221 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

222. Answering paragraph 222 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

223. Answering paragraph 223 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

224. Answering paragraph 224 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

225. Answering paragraph 225 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

226. Answering paragraph 226 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

227. Answering paragraph 227 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

228. Answering paragraph 228 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

229. Answering paragraph 229 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

230. Answering paragraph 230 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

231. Answering paragraph 231 of plaintiff's complaint, defendants deny the allegations contained therein for the reason that they are untrue in the manner and form alleged.

The Williams arrest is part of a troubling pattern in which Defendants have abused facial recognition technology.

232. Answering paragraph 232 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

233. Answering paragraph 233 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

234. Answering paragraph 234 of plaintiff's complaint, defendants admit same.

235. Answering paragraph 235 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

236. Answering paragraph 236 of plaintiff's complaint, defendants admit same.

237. Answering paragraph 237 of plaintiff's complaint, defendants admit same.

238. Answering paragraph 238 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

239. Answering paragraph 239 of plaintiff's complaint, defendants deny the allegations contained therein for the reason that they are untrue in the manner and form alleged.

240. Answering paragraph 240 of plaintiff's complaint, defendants admit same.

241. Answering paragraph 241 of plaintiff's complaint, defendants deny the allegations contained therein for the reason that they are untrue in the manner and form alleged.

242. Answering paragraph 242 of plaintiff's complaint, defendants deny the allegations contained therein for the reason that they are untrue in the manner and form alleged.

243. Answering paragraph 243 of plaintiff's complaint, defendants admit an eyewitness identified Michael Oliver.

244. Answering paragraph 244 of plaintiff's complaint, defendants deny the allegations contained therein for the reason that they are untrue in the manner and form alleged.

245. Answering paragraph 245 of plaintiff's complaint, defendants deny the allegations contained therein for the reason that they are untrue in the manner and form alleged.

246. Answering paragraph 246 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

247. Answering paragraph 247 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

248. Answering paragraph 248 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

249. Answering paragraph 249 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

CAUSES OF ACTION

250. Answering paragraph 250 of plaintiff's complaint, defendants incorporate their preceding responses.

Count I

False Arrest and Imprisonment in Violation of the Fourth Amendment and 42 USC §1983 (Defendant Bussa)

251. Answering paragraph 251 of plaintiff's complaint, defendants admit same.

252. Answering paragraph 252 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

253. Answering paragraph 253 of plaintiff's complaint, defendants deny the allegations contained therein for the reason that they are untrue in the manner and form alleged.

254. Answering paragraph 254 of plaintiff's complaint, defendants deny the allegations contained therein for the reason that they are untrue in the manner and form alleged.

255. Answering paragraph 255 of plaintiff's complaint, defendants deny the allegations contained therein for the reason that they are untrue in the manner and form alleged.

256. Answering paragraph 256 of plaintiff's complaint, defendants deny the allegations contained therein for the reason that they are untrue in the manner and form alleged.

Count II

Monell Liability for False Arrest and Imprisonment

In violation of the Fourth Amendment and 42 USC §1983

(Defendants City of Detroit and Chief Craig in His Official Capacity)

257. Answering paragraph 257 of plaintiff's complaint, defendants deny the allegations contained therein for the reason that they are untrue in the manner and form alleged.

258. Answering paragraph 258 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

259. Answering paragraph 259 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

260. Answering paragraph 260 of plaintiff's complaint, defendants deny the allegations contained therein for the reason that they are untrue in the manner and form alleged.

261. Answering paragraph 261 of plaintiff's complaint, defendants deny the allegations contained therein for the reason that they are untrue in the manner and form alleged.

262. Answering paragraph 262 of plaintiff's complaint, defendants deny the allegations contained therein for the reason that they are untrue in the manner and form alleged.

263. Answering paragraph 263 of plaintiff's complaint, defendants deny the allegations contained therein for the reason that they are untrue in the manner and form alleged.

264. Answering paragraph 264 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

265. Answering paragraph 265 of plaintiff's complaint, defendants deny the allegations contained therein for the reason that they are untrue in the manner and form alleged.

266. Answering paragraph 266 of plaintiff's complaint, defendants deny the allegations contained therein for the reason that they are untrue in the manner and form alleged.

267. Answering paragraph 267 of plaintiff's complaint, defendants deny the allegations contained therein for the reason that they are untrue in the manner and form alleged.

268. Answering paragraph 268 of plaintiff's complaint, defendants deny the allegations contained therein for the reason that they are untrue in the manner and form alleged.

Count III

Mich. Comp. Laws §37.2302: Violation of the Elliott-Larsen Civil Rights Act
(Defendant Chief Craig in his Official Capacity and Defendant Bussa)

269. Answering paragraph 269 of plaintiff's complaint, defendants admit same.

270. Answering paragraph 270 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

271. Answering paragraph 271 of plaintiff's complaint, defendants deny the allegations contained therein for the reason that they are untrue in the manner and form alleged.

Count IV

False Arrest and Imprisonment in Violation of the Michigan Constitution and Michigan Common Law

(Defendant Bussa)

272. Answering paragraph 272 of plaintiff's complaint, defendants deny the allegations contained therein for the reason that they are untrue in the manner and form alleged.

273. Answering paragraph 273 of plaintiff's complaint, defendants deny the allegations contained therein for the reason that they are untrue in the manner and form alleged.

274. Answering paragraph 274 of plaintiff's complaint, defendants deny the allegations contained therein for the reason that they are untrue in the manner and form alleged.

RELIEF REQUESTED

275. Answering paragraph 275 of plaintiff's complaint, including all subparagraphs, defendants deny any allegations contained therein for the reason that they are untrue in the manner and form alleged.

WHEREFORE, Defendant requests that this Honorable Court dismiss Plaintiff's complaint with prejudice, and award Defendant costs and attorney fees wrongfully incurred.

Respectfully submitted,

/s/ Patrick M. Cunningham
PATRICK M. CUNNINGHAM (P67643)
City of Detroit Law Department
Attorneys for City of Detroit and Bussa
2 Woodward Avenue, Suite 500
Detroit, MI 48226
(313) 237-5032
cunninghamp@detroitmi.gov

DATED: June 21, 2021

AFFIRMATIVE DEFENSES

1. Governmental immunity and or qualified immunity and or testimonial immunity render defendants immune to plaintiff's claims.
2. Defendants did not violate any of Plaintiff's clearly established constitutional rights.
3. Defendants acted in good faith, without malice, within the scope of their employment and were performing a discretionary function. As such, defendants are entitled to qualified immunity and are immune to all state intentional torts.
4. Plaintiff has failed to state a claim upon which relief can be granted.
5. Any injury suffered by plaintiff was proximately caused by their own conduct and/or the conduct of third parties.
6. Any injury suffered by plaintiff was proximately caused by their own wrongdoing, including serious wrongdoing that gives rise to the wrongful conduct defense.
7. Plaintiff failed to mitigate their damages.
8. Plaintiff's claims are barred, in whole or in part, by the lapsing of the applicable statute(s) of limitation.
9. To the extent, if any, that defendants, or anyone acting at the direction of or in concert with defendants, used force against plaintiff, each such use of force

was privileged and lawful because the force was reasonably applied in the execution of a lawful arrest, in the lawful performance of other police duties, with the plaintiff's consent, in self-defense, or in the defense of others.

10. At all relevant times, defendants acted with objective good faith and therefore have qualified immunity from liability on plaintiff's claims.

11. The arrest, seizure and/or imprisonment of plaintiff was supported by probable cause, exigent circumstances and/or a valid warrant.

12. Plaintiff has failed to join every legal and equitable claim arising from the incident central to the lawsuit.

13. Detention and/or search of plaintiff's person or property or entry onto or into Plaintiff's property, if any, was based on a valid search/arrest warrant and/or probable cause to believe a crime had been committed and/or reasonable suspicion that a crime had been committed. Search of plaintiff's person or property may have also been based on consent, exigent circumstances or hot pursuit. Any detention and/or search was reasonable to investigate whether a crime had been committed and/or to complete necessary administrative processing. Any custodial searches were also protective for officer safety and search incident to arrest/ticketing.

14. The federal right supporting plaintiff's claim is not sufficiently clear. Thus, defendants did not know they would violate an individual's rights. *Anderson v. Creighton*, 483 US 635; 97 L.Ed.2d 523; 107 S.Ct. 3034 (1987).

15. Plaintiff suffered no damages, or their damages are *de minimis*.

16. Plaintiff's claims are barred by *Heck v Humphrey*, 512 U.S. 477, at 486-487, 114 S. Ct. 2364, 129 L. Ed. 2d 383 (1994).

17. Plaintiff's claims are barred by collateral estoppel and res judicata.

18. The City of Detroit or Detroit Police Department did not have or otherwise adopt any customs, policies and/or procedures which caused or otherwise were the moving force behind any constitutional violations alleged in Plaintiff's complaint, nor did any such alleged customs, policies and/or procedures originate from a decision maker with final policy making authority. Further, Defendants did not ratify, accept and/or otherwise condone any constitutional violations alleged in Plaintiff's complaint. Finally, Defendants did not act with deliberate indifference as to known or obvious consequences with respect to the activities alleged in Plaintiff's complaint and/or as to any constitutional violations, nor is there any widespread practice of constitutional violations and/or failure to take corrective action regarding the same with regard to discipline, supervision, or training.

Respectfully submitted,

/s/ Patrick M. Cunningham
PATRICK M. CUNNINGHAM (P67643)
City of Detroit Law Department
Attorneys for City of Detroit and Bussa
2 Woodward Avenue, Suite 500
Detroit, MI 48226
(313) 237-5032
cunninghamp@detroitmi.gov

DATED: June 21, 2021

CERTIFICATE OF SERVICE

I hereby certify that on June 21, 2021, I electronically filed the foregoing with the clerk of the Court using the ECF system which will send notification and a copy of this filing to the attorneys of record.

/s/ Patrick M. Cunningham